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June 8, 2015

Rebekah Ross, Environmental Review Project Manager
City of San Jose
200 E. Santa Clara St.
San Jose, CA 95113
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Re: Initial Study Mazzone Property/Mitigated Negative Declaration, PDC 13-028

Dear Project Manager Ross,

The Sierra Club Loma Prieta Chapter (SCLP) is more than 15,000 local members of the Sierra Club who enjoy, explore, and protect the planet. Our conservation mission drives us to address environmental impacts and ensure that the California Environmental Quality Act (CEQA) and Santa Clara Valley Habitat Plan (SCVHP) are followed properly. Therefore, we submit the following comments on the Initial Study (IS) and Mitigated Negative Declaration (NMD) for the Lands of Mazzone Development Project, PDC 13-028.

In the biological assessment of the Mazzone Property Planned Development Rezoning, the IS states that, "*Wildlife species observed during the July 2013 and 2014 site visits included the cattle egret (Bubulcus ibis)...*". A sighting of cattle egret is highly unlikely. Experts in the avian species of the area and local amateur "birders" would have identified the sighting as snowy egret (*Egretta thula*) or great egret (*Ardea alba*). These species spend much of their time in local streams fishing and are commonly found in both Golf Creek and Alamos Creek.

This minor correction is relevant as evidence that the lower reach of Golf Creek does support fish (and their predators). The IS states, "*The reach of Golf Creek adjacent to the project more accurately fits a Category 2 stream based on the SCVHP definition.*" But there are reasons to support the SCVHP findings of Category 1 status for Golf Creek. SCVHP Figure 6-2, "Stream Setback Requirements for Category 1 Streams" showing Santa Clara Valley Water District (SCVWD) "Fish Bearing Streams" and their sufficient

flow to support covered species is also supported by the SCVWD Golf Creek Restoration Project. Shade bearing native trees and other native vegetation now thrive and enhance the habitat just west and upstream of the site. The SCVHP covered species, the western pond turtle, has been sighted near the area and in fact the IS biological report itself states, *"Suitable habitat for the western pond turtle is present adjacent to the site in the form of the aquatic and riparian habitats of the Alamitos and Golf Creeks. As a result, western pond turtles may move onto the site from time to time."*

The rock gabion channelization of Golf Creek adjacent to the proposed development may locally compromise the habitat. But being a short stretch of deep channel (with native oak covered hillside on the north side), it provides fish and wildlife passage to a reach of Golf Creek in Fontana Park with much healthier SCVWD restored habitat. Since SCVHP page 6-48 states that, *"Category 2 reaches cannot occur downstream of a Category 1 reach"* that reach is probably properly classified as Category 1.

Moreover, the IS statement that, *"This apparent incorrect mapping of Golf Creek as a Category 1 stream is pronounced in other areas where Golf Creek is entirely contained within underground pipes and yet mapped as Category 1"* is entirely false. A close examination of SCVHP Figure 6-2, "Stream Setback Requirements for Category 1 Streams" reveals that the Category 1 designation of Golf Creek covers only the lower day-lighted reach. The upper reach of Golf Creek that is contained in underground pipes is simply not mapped as Category 1 as stated in the IS. SCVHP, page 6-48, also states, *"Categories are applied to reaches of streams as opposed to entire streams. This is because almost all streams begin in the uppermost portions of their watersheds as ephemeral streams and gradually become intermittent or perennial and they move down slope and accumulate flows from the watershed and, sometimes, the groundwater basin. As such, a single stream may contain both Category 1 and Category 2 reaches."*

Regardless, the SCVHP setback on Golf Creek must be considered 100 ft. until, as the SCVHP states, *"Figure 6-2 may be periodically updated by the Implementing Entity in consultation with the Wildlife Agencies as new data becomes available"* rather than by City planner fiat.

The SCVHP clearly states, *"Regardless of project location, stream setback exceptions may not reduce a Category 1 stream setback to less than a distance of 50 feet for new development or 35 feet for existing or previously developed sites with legal buildings and uses (Figure 6-3b)."*

Therefore, **the 30 ft. setback next to Golf Creek is not compliant with the SCVHP** and a fair argument can be made that it is substantial evidence that under the current plan a NMD is not appropriate. The Santa Clara Valley Habitat Agency must reclassify Golf Creek as Category 2 or an additional 5 ft. must be added to the Golf Creek setback.

Moreover, the IS may understate the value of Golf Creek as a habitat corridor since it provides one of the few safe passages under Almaden Expressway -- not just to upstream Golf Creek habitat but also -- toward the larger habitat of Guadalupe Oak Grove Park and the Guadalupe Creek. The SCVHP identifies the Alamitos and Guadalupe Creeks as important wildlife "internal landscape linkage". The Golf Creek passage provides a corridor shortcut from Alamitos Creek to Guadalupe Oak Grove Park and the Guadalupe Creek through T.J. Martin and Jeffery Fontana Parks. Therefore, impacts to wildlife movement and migration should be considered significant and mitigated accordingly. The required 100-foot setback distance must be implemented, and additional mitigations should include tree screening between the homes and Golf Creek with additional native plantings in order to minimize noise, lighting, and other hindrances to wildlife that may want to pass through the Golf Creek channel.

Further the proposed path through the riparian zone should stay near the homes to provide for a wide undisturbed habitat mitigation and maximize the vegetation's benefit for drainage and runoff.

The riparian setback encroachment can be also mitigated further with fully *native* plantings in the PG&E easement zone.

Other neighborhood concerns need to be addressed. In order to meet General Plan standards for residential exterior noise, *"Final project plans shall include six to eight foot high noise attenuation barriers along the front lot line contiguous with Almaden Expressway, with a six foot-high segment constructed for a distance of 90 feet along the south property line of the site to control flanking (see Figure 17)."* While this mitigation plan will attenuate the noise for the residential side of the walls, the noise will be reflected toward the public sidewalk, bike lanes, roadway, and the *public Jeffrey Fontana Park* open space west of the project. At a minimum, the project should provide trees on the west side of the wall along a pedestrian sidewalk in a street-side margin along Almaden Expressway. Spacing and species should be chosen to fill the entire length of the project. The trees also need to be chosen for environmental benefits of reducing noise, pollution, and providing shade for pedestrians as well as the aesthetics, health, and longevity of the trees themselves. The developer's plan to leave the decision "*open*" to the future property owners on whether to plant trees or not along Almaden Expressway is not sufficient.

Transportation and traffic should be addressed. An Almaden Expressway sidewalk is needed for safe and convenient public walking. Creating a walkable environment is essential to reduce automobile dependency within Almaden Valley and is required for the project to meet the existing character of the neighborhood.

Residents, and particularly children, living in the new planned homes will need a pedestrian walk across the new bridge that is connected to the sidewalk and homes in the

existing neighborhood. Otherwise, they are likely to risk squeezing past traffic on the bridge in order to reach their neighborhood friends and access to the public trails on the east of Alamitos Creek.

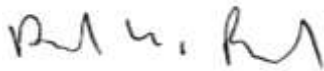
"No parking" signs on at least one side of the Almaden Rd. access road should be removed so that overflow parking will spill out legally and nearest the new homes with the least impact on the existing Almaden Hills Estates residents. Almaden Rd. is wide enough to safely permit on-street parking. (The current no parking policy is probably to discourage loitering in an area where there is no regular traffic today).

Increased traffic on the west end of Mazzone Dr. will require changes to existing traffic expectations at the intersection of Cross Springs Dr. and Mazzone Dr. Options including adding a "stop" sign on the west end of Mazzone Dr. at the intersection should be considered to avoid dangerous "hard to break old habits".

Considering public services, the existing nearby neighborhood students are in the Los Alamitos Elementary School District and Pioneer High School District. These school districts should also encompass the Mazzone development rather than Simonds Elementary and Leland High School. This makes sense from a school bus and carpooling perspective since the neighborhoods will share the same outlet and arterial roads. Also, since there is a long wait list for Simonds Elementary and Leland High Schools from the existing adjoining neighborhood, basic equity would suggest that if school populations need to be balanced that areas nearest to the Simonds and Leland be absorbed into those districts first.

Thank you for this opportunity to comment on this important matter.

Sincerely,

A handwritten signature in dark ink, appearing to read "D. W. Poeschel".

David W. Poeschel,
Sierra Club Loma Prieta Chapter, Open Space Committee Chair

Cc: Barbara Kelsey, Loma Prieta Chapter Coordinator
Mike Ferreira, Loma Prieta Chapter Conservation Chair